

California State Association of Counties



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March 30, 2009

The Honorable Debra Bowen  
Secretary of State  
1500 11<sup>th</sup> Street  
Sacramento, CA 95814

Re: Proposed Post-Election Manual Tally (PEMT) Emergency Regulations

Dear Secretary Bowen:

On behalf of the California State Association of Counties (CSAC), I write to concur with the concerns shared with your office by the California Association of Clerks and Elections Officials (CACEO). While we appreciate the opportunity to submit comments, we are particularly concerned that the proposed regulations have the potential to significantly increase costs to counties for the May 19 special election and elections in the future beyond what your analysis anticipates and with no benefit that is not currently available under existing law.

The CACEO points out that the current estimated costs of the proposed regulations of \$20,000 to \$680,000 are significantly understated in the event of a close outcome in one or more statewide contests and also do not accurately account for local elections, including the special vacancy election to be held in the 10<sup>th</sup> Congressional District. While the regulation proposal includes a notation that the funds to cover the estimated costs will be requested in the 2009-10 Governor's Budget, costs will be incurred immediately after adoption of the regulations, including the May 19 Special Statewide Election. There are no guarantees that these expenditures will be reimbursed with an appropriation in the final budget.

The cost estimate fails to consider a close statewide ballot measure, as could very well be the case during the May 19 special election. The regulations could lead to a 100 percent hand tally of all 25,000 precincts in the State of California. The CACEO estimates that such an event could result in costs as high as \$10 million.

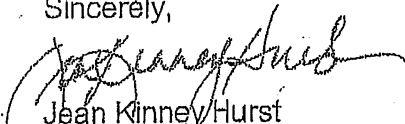
These increased elections costs were not anticipated at the outset of the fiscal year and would likely be funded from counties' General Fund and/or reserves, placing a severe direct impact on counties' collective ability to maintain acceptable levels of public health and welfare during this time of unprecedented need.

We also note that the proposed hand tallies are based on election night results and not on final results, so funds would be expended to hand tally contests, the results of which may not even be close when all ballots are counted. We concur with the

CACEO in the conclusion that the PEMT has the potential for a significant outlay of public funds with doubtful benefit.

We appreciate your consideration of our concerns. If you require additional information, please do not hesitate to contact Geoffrey Neill at [REDACTED] or [REDACTED]

Sincerely,

  
Jean Kinney Hurst  
Legislative Representative

cc: Rebecca Martinez, President, California Association of Clerks and Elections Officials